

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES WHITTENBERG,

Plaintiff,

No. CIV S-04-2313 FCD JFM P

vs.

LIEUTENANT L. ROLL,

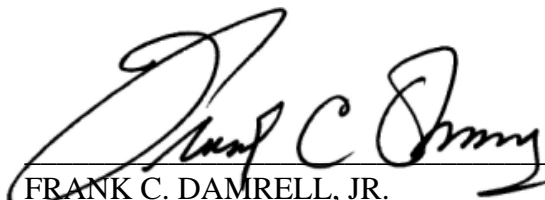
Defendant.

ORDER

Plaintiff has filed a request for reconsideration of this court's order filed September 18, 2007, adopting the findings and recommendations of the magistrate judge filed July 5, 2007. Petitioner has failed to demonstrate any new or different facts or circumstances which did not exist or were not shown upon the prior motion. See E.D. Local Rule 78-230(k). Even if plaintiff were able to obtain a declaration from Correctional Officer Snelson, or otherwise demonstrate that position PTR-3.601 was a paid position as of September 2001, plaintiff has not demonstrated how that would evidence defendant Roll's culpability. (See July 5, 2007 Findings and Recommendations at 8.) Accordingly, the motion for reconsideration is denied.

Therefore, IT IS HEREBY ORDERED that, upon reconsideration, this court's September 18, 2007 order is affirmed.

DATED: October 5, 2007.

  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE